

REMARKS/ARGUMENTS

The application has been amended to correct the cited informalities and to place the application, as a whole, into a *prima facie* condition for allowance. Care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

Upon review of the specification in preparing this response, Applicant noted the use of the term "wheel key unit". Upon further review of the original German language priority document, Applicant has determined that this appears to be a slight miss-translation of the term "Radschüssel" which more accurately translates to "wheel bowl" (or basin). Accordingly, Applicant has amended the specification and claims where indicated to change "key" to "bowl". Applicant submits that this is fully supported by the priority document as well as the drawings as filed, and that this amendment does not introduce any new subject matter into the application. Accordingly, entry and acceptance of these amendments are respectfully solicited.

The drawings have been objected to as failing to comply with 37 CFR 1.84(p)(5) because they purportedly do not include the following reference sign(s) mentioned in the description: detail 133. The examiner has required that a proposed drawing correction or corrected drawings be submitted.

In response thereto, Applicant respectfully submits that detail 133, mentioned in paragraph **[0033]** should read "132". Applicant has amended paragraph **[0033]** accordingly, and respectfully submits that the Examiner's basis for objection to the drawings should be deemed overcome, and reconsideration and withdrawal of same are respectfully solicited.

The drawings have also been objected to as failing to comply with 37 CFR 1.84(p)(5) because they purportedly include the following reference sign(s) not mentioned in the description: detail 132. The examiner has required that a proposed drawing correction or corrected drawings be submitted.

In response thereto, Applicant respectfully traverses the Examiner's objection, and respectfully directs the Examiner's attention to paragraph **[0029]**, last line, wherein "placement surface (132)" is expressly mentioned. In view of the foregoing,

Applicant respectfully submits that the Examiner's basis for objection to the drawings should be deemed moot, and withdrawal of same is respectfully solicited.

The disclosure has been objected to because of the following informalities: 1) on page 1, line 9 and page 2, lines 14 - 15, reference to claim 1 should be removed from the specification; 2) on page 2, lines 17 - 18, reference to the claims should be removed. Correction has been required.

In response thereto, Applicant has amended the specification as indicated. Applicant submits that the Examiner's bases for objection to the specification should be deemed overcome, and reconsideration and withdrawal of the objections to the specification are respectfully solicited.

Claims 1 - 4, 6 - 9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Maiworm et al., U.S. 5,454,628. Claims 1 - 7 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al., U.S. 6,296,319B1 in view of Maiworm et al. Applicant respectfully traverses the Examiner's substantive bases for rejection of the claims.

The Maiworm et al. reference discloses an aluminum spacer disk 10, and a glass-reinforced nylon "adapter" 11 which is configured to be snapped into place, in the central hub bore of the wheel. Applicant's invention, in contrast, incorporates a one-piece combined spacer disk and spacer tube. Inasmuch as the Maiworm et al. reference completely fails to teach or suggest Applicant's wheel of amended claim 1, Applicant respectfully submits that claim 1, as amended, recites a structure that is neither present in or suggested by that reference, and claim 1 should be deemed to patentably distinguish over the cited Maiworm et al. reference. Therefore, reconsideration and withdrawal of the rejection of claim 1, based on Maiworm et al. reference, and allowance of claim 1 are respectfully solicited.

With respect to the Examiner's cited attempted combination of the Maiworm et al. and Hummel et al. references, Applicant respectfully traverses the Examiner's combination of references.

Two or more references may not be combined to support an assertion of obviousness of a claimed invention absent a teaching or suggestion to their

combination. Further, two or more references may not be properly combined, if to do so would frustrate the functions, goals or purposes of one or more of the respective references.

Applicant respectfully submits that the Examiner's combination of the Maiworm et al. and Hummel et al. references is inappropriate and was posed notwithstanding the complete absence of any teaching or suggestion in any of the references to such combination. Combining the cited references in an attempt to reconstruct Applicant's invention, with the benefit of the hindsight afforded by Applicant's own disclosure, deviates from the teachings of the cited references.

However, even if the two references were properly combinable, which Applicant traverses, the resulting structure would not teach or suggest Applicant's invention of amended claim 1. The resulting combination would yield a wheel structure including an aluminum spacer disk having an outer circumferential band covering the brake disk, and a plastic adapter. There is no teaching or suggestion whatsoever in Hummel et al. for a spacer tube to be placed in the hub bore. The circumferential band covering the brake disk is for the purposes of fastening the spacer to the brake disk, e.g., via gluing, press fit, etc., and has nothing to do with providing a spacer tube extending into the hub bore, and for providing a centering surface for the hub.

Accordingly, applicant respectfully submits that there is no teaching or suggestion within either of the references, or their combination, to providing a combination spacer disk and spacer tube, formed as one piece, as set forth in Applicant's invention of amended claim 1. Therefore, Applicant submits that claim 1 patentably distinguishes over the cited combination. Reconsideration and withdrawal of the rejection of claim 1, and allowance thereof, are respectfully solicited.

Inasmuch as dependent claims 2 - 3, and 6 - 9 merely serve to further define the subject matter of amended claim 1, which itself should be deemed allowable, reconsideration and withdrawal of the rejection of claims 2 - 3 and 6 - 9, and allowance thereof, are respectfully solicited.

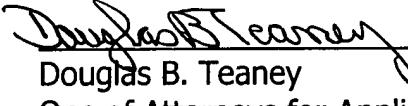
Applicant submits that the application as a whole is in *prima facie* condition for allowance. Reconsideration and allowance of the application, including claims 1 - 3 and 6 - 9, are respectfully requested.

Should anything further be required, a telephone call to the undersigned at (312) 456-8400 is respectfully requested.

Respectfully submitted,

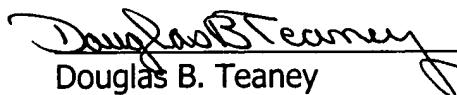
GREENBERG TRAURIG

Dated: July 28, 2003


Douglas B. Teaney
One of Attorneys for Applicant

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I hereby certify that this correspondence is being transmitted via telecopier to the attention of Examiner Jason R. Bellinger, Art Unit 3617, USPTO, Commissioner for Patents, Washington, D.C. 20231, on July 28, 2003, to fax number (703) 305-7687.


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FROM Douglas B. Teaney
File Number 57801.010026 (formerly 2020318 - please note new no.)
Comments US Ser. No. 10/086,229, Filed February 27, 2002

Date July 28, 2003
Time
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